

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT G. WYCKOFF,	:	CIVIL ACTION NO. 00-2248
	:	
	:	
Plaintiff,	:	
	:	
v.	:	CHIEF JUDGE AMBROSE
	:	
METROPOLITAN LIFE INSURANCE	:	
COMPANY and KENNETH F.	:	
KACZMAREK,	:	
	:	
	:	
Defendants.	:	

**DEFENDANTS METROPOLITAN LIFE INSURANCE COMPANY AND
KENNETH F. KACZMAREK’S MOTION IN LIMINE TO EXCLUDE FROM
EVIDENCE UNRELATED TESTIMONY AND EXHIBITS OF JAMES RAYL**

Defendants Metropolitan Life Insurance Company (“MetLife”) and Kenneth F. Kaczmarek (collectively, the “defendants”) bring this Motion in Limine to Exclude From Evidence Unrelated Testimony and Exhibits of James Rayl.

1. In Plaintiff’s exhibit list dated September 27, 2006, plaintiff has identified the testimony of James Rayl in Rayl v. Metropolitan Life Insurance Co., Inc., CV 97-505, and exhibits thereto, as Plaintiff’s Exhibit Nos. 114 and 115.

2. Plaintiff’s proposed Exhibit Nos. 114 and 115 should be excluded for the reasons set forth in detail in defendants’ Brief in Support of their Motion in Limine to Exclude From Evidence Unrelated Testimony and Exhibits of James Rayl.

WHEREFORE, based on all of the foregoing reasons as well as those set forth in the accompanying brief, defendants respectfully request that this Court bar the introduction of the irrelevant and highly prejudicial Exhibit Nos. 114 and 115, unrelated testimony and exhibits of James Rayl.

Respectfully Submitted,

s/ B. John Pendleton, Jr.

B. John Pendleton, Jr.

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Attorneys for Defendant

Metropolitan Life Insurance Company and

Kenneth F. Kaczmarek

Dated: October 3, 2006

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 3rd day of October, 2006, a true and correct copy of the foregoing **DEFENDANTS' MOTION IN LIMINE TO EXCLUDE FROM EVIDENCE UNRELATED TESTIMONY AND EXHIBITS OF JAMES RAYL** was served upon the following via the electronic filing system:

Kenneth R. Behrend, Esquire
BEHREND & ERNSBERGER, P.C.
Union National Bank Building, 3rd Floor
306 Fourth Avenue
Pittsburgh, Pennsylvania 15222

s/ B. John Pendleton, Jr._____